



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

April 24, 2000

4APT-ARB

Howard L. Rhodes, Director  
Air Resources Management Division  
Florida Department of Environmental Protection  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit  
Citrus World, Inc.  
Lake Wales Facility  
Permit No. 1050002-001-AV

Dear Mr. Rhodes:

The purpose of this letter is to provide comments to the Florida Department of Environmental Protection (DEP) on the proposed title V operating permit for Citrus World, Inc., Lake Wales Facility, which was posted on DEP's web site on March 9, 2000. Based on the Environmental Protection Agency's (EPA's) review of the proposed permit and the supporting information for this facility, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the title V permit for this facility. The basis of EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(i) and does not contain the averaging time associated with several of the emission standards, rendering them not enforceable as a practical matter.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be addressed prior to the expiration of the 90-day period.

Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70. The enclosure also contains general comments applicable to the permit.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief, Operating Source Section at (404) 562-9141. Should your staff need additional information they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/  
Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division

Enclosure

cc: Mr. Fred Fulks, Vice President of Operations  
Citrus World, Inc.  
Mr. Gerald Kissel, FDEP - Southwest District (via e:mail)

## **Enclosure**

**U.S. EPA Region 4 Objection  
Proposed Part 70 Operating Permit  
Citrus World, Inc.  
Lake Wales Facility  
Permit No. 1050002-001-AV**

### **I. EPA Objection Issues**

1. Monitoring Plan for Waste Heat Evaporator: Condition A.8 of the permit fails to establish periodic monitoring for the waste heat evaporator sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the particulate matter limits for the citrus peel dryers (units 001, 007 and 013), consistent with 40 CFR § 70.6(a)(3)(i)(B). EPA sent a letter to all the states on December 24, 1998, where it addressed four minimum permit requirements that must be placed in a title V permit for the limited times where this monitoring plan approach could be utilized. As written, condition A.8 fails to address these requirements. In particular, the condition fails to specify the parameters to be monitored, the methodology for determining acceptable ranges for these parameters, and the frequency of monitoring. (We have attached copies of the December 24, 1998, letter and an April 22, 1999, letter that discusses possible procedures for the utilization of monitoring plans in title V permits.) The permit must be revised to require proper periodic monitoring for the Waste Heat Evaporator, through an appropriate monitoring plan or through other monitoring that satisfies the criteria in 40 CFR § 70.6(a)(3)(i)(B).
2. Periodic Monitoring - Capacity: In order to properly document compliance with the capacity for units 011 and 012, and to ensure that data are being collected from the relevant time period that are representative of the units' compliance, consistent with periodic monitoring requirements, the permit must require the source to maintain records of the ambient air temperature used to determine the heat input values.
3. Appropriate Averaging Times: In order for the emissions standard for particulate matter, sulfur dioxide, and nitrogen oxides contained in conditions A.5, A.7, C.4, C.5, C.6, D.3, and D.4 to be practicably enforceable, the appropriate averaging time must be specified in the permit. An approach that can be used to address this deficiency is to include general language in the permit to indicate that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.
4. Periodic Monitoring - Sulfur Dioxide: Condition A.7 of the permit establishes the pounds per hour limit that the facility needs to comply with. However, the permit

does not contain any testing or periodic monitoring requirements to assure compliance with the limits contained in the permit. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit's performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit must include a periodic monitoring scheme that will provide data which is representative of the source's actual performance, or a justification must be provided in the statement of basis demonstrating that periodic monitoring requirements are not needed.

Additionally, the permit condition needs to clarify if the limits apply only when burning no. 6 fuel oil or whether they also apply when blended fuels are combusted.

## **II General Comments**

1. General Comment: Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section II, Condition 27: This condition requires the source to undergo PSD review as of August 1980. The condition should also specify that once the PSD review has been completed, the permit will be reopened, as needed, to incorporate any requirements that may arise from such review.
3. Section III, Condition A.9: It appears that this condition is referring to conditions A.5 and A.6, not to conditions A.3 and A.4. Please revised this condition to correctly cite the limitations that it is referring to.
4. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry's challenge to the validity of portions of EPA's periodic monitoring guidance (see: Appalachian Power Co. V. EPA, No. 98-1512, D.C. Cir., April 14, 2000). The Court found that "State permitting authorities may not, on the basis of EPA's guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conducts more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no

frequency, or requires only a one-time test.” While the permit contains testing from “time to time”, as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. Although a mandate has not been issued in the court case, EPA is withholding formal objection on these items.

- a. Visible Emissions: Conditions A.6, B.4, C.3, and D.5 of the permit require that Method 9 tests be conducted annually. Condition F.2 requires that a Method 9 be conducted upon permit renewal. In most cases, these approaches do not constitute adequate periodic monitoring to ensure continuous compliance with the visible emissions standard. The permit should require that the source conduct visible emissions observations on a daily basis or a technical demonstration should be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing. The demonstration should identify the rationale for basing the compliance certification on data from a short-term test performed once per year or upon permit renewal. The EPA does not believe that reliance upon such limited data is a sufficient basis for a compliance certification to demonstrate continuous compliance with the visible emissions standard.

Regarding condition E.6 of the permit, we believe that inspecting the bagfilters annually and monthly during silo operations will not provide adequate assurance that the baghouse is operating appropriately. Additionally, we believe that other parametric testing should be included (e.g., pressure drop measurements). The statement of basis should contain a description of the adequacy of the frequency of the inspections and why no parametric monitoring is required or the permit should be revised to adequately address the monitoring requirements for this unit.

- b. Nitrogen Oxides: Condition C.8 establishes that testing for nitrogen oxides must be done prior to permit renewal. In most cases, this approach does not constitute adequate periodic monitoring to ensure continuous compliance with the nitrogen oxides limitation. Therefore, the permit should include periodic monitoring conditions that will provide data that are representative of the source’s actual performance, or a justification must be provided in the statement of basis demonstrating that periodic monitoring requirements are not needed.
- c. Particulate Matter: Conditions D.14 and D.16 require that the source record the pressure drop across the cartridge filters on a weekly basis. This frequency of monitoring does not provide adequate assurance that the control equipment is satisfactorily operating on a continuous basis; therefore, we request that the State consider changing the frequency of monitoring to daily, as it was in the draft permit.